

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMBAC ASSURANCE CORPORATION,	X	
	:	
Plaintiff,	:	CASE NO. 1:08-CV-09464 (RMB) (THK)
	:	
-against-	:	ECF CASE
	:	
EMC MORTGAGE CORPORATION and	:	[PROPOSED] ORDER GRANTING EMC
BEAR, STEARNS & CO. INC. (now	:	MORTGAGE CORPORATION AND
known as J.P. MORGAN SECURITIES,	:	BEAR, STEARNS & CO. INC.’S MOTION
INC.),	:	FOR CORRECTION OF THE FEBRUARY
	:	8, 2011 DECISION AND ORDER
Defendants.	:	
	:	
	X	

Upon the motion of EMC Mortgage Corporation (“EMC”) and Bear, Stearns & Co. (“Bear Stearns”), dated March 8, 2011, for correction of the February 8, 2011 Decision and Order (the “Order”), in the above-captioned proceeding; and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED that EMC and Bear Stearns’s Motion for Correction of the February 8, 2011 Decision and Order, dated March 8, 2011, is GRANTED.

IT IS HEREBY FURTHER ORDERED that the proposed First Amended Complaint submitted to the Court as Exhibit 1 to the Declaration of Erik Haas in Support of Ambac’s Motion for Leave to Amend the Complaint [Docket No. 117], as modified by this Court’s Order (the “Amended Complaint”), is deemed filed as of February 8, 2011 and constitutes the operative complaint in this matter for purposes of the Court’s Order.

IT IS HEREBY FURTHER ORDERED that the Amended Complaint is dismissed for lack of jurisdiction in accordance with this Court's Order.

SO ORDERED:

Dated: New York, New York

Honorable Richard M. Berman, U.S.D.J.